

Memo

To: **Montana Wheat & Barley Committee**

From: Terry Whiteside

Date: June 25, 2007

Re: **Transportation Report**



CHAIRMAN OBERSTAR IS SEEKING POTENTIAL WITNESSES AND HORROR STORIES FOR HEARINGS ON H.R.2125 IN HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

Cong. James Oberstar, Chairman of the House Transportation and Infrastructure Committee, is committed to holding a hearing on H.R. 2125 Railroad Competition and Service Improvement Act of 2007. The hearing is expected to take place after the August recess. In preparation for the hearing, the Chairman is seeking "horror" stories from shippers which highlight the problems with the railroads. Ch. Oberstar is also seeking potential witnesses to testify at the hearing.

If you have a story or a potential witness, you would like to submit for the hearing, please send it to Rick Meyers, ARC Washington Representative, at rick_meyers@meyersandassociates.com. We need this information by the end of next week (June 29th). The Alliance for Rail Competition, together with Rick and others at Meyers & Associates, in preparation for this hearing, are working closely with John Drake, professional staff to Ch. Oberstar on the Committee and the many other organizations that are working on this issue. It is critical for the success of this hearing and the momentum of the legislation that we provide a number of diverse stories from around the country and across various business sectors. Additionally, we look forward to hearing from you on suggestions for potential witnesses.

NEW COSPONSORS FOR H.R.2125

The Rail Competition and Service Improvement Acts S.953 and H.R.2125 continue to gain cosponsors. The House bill H.R. 2125 is up to **44** cosponsors up 2 since our report of 6/14/07. Whiteside & Associates would like to thank everyone for working

on this and urge you to keep sending in the letters and faxes----- every one counts!!!! The competition bill is the most successful ever – and more cosponsors will ensure success.

PENDING LEGISLATION---UPDATED CO SPONSORSHIP

Below is a list of all rail customer bills and their cosponsors as of June 25, 2007, as well as the railroad investment tax credit legislation:

S. 772, Railroad Antitrust Enforcement Act of 2007 (Cosponsors: 6)

Sen. Kohl, Herb (D-WI)*
Sen. Harkin, Tom (D-IA)

Sen. Coleman, Norm (R-MN)*
Sen. Rockefeller, John D., IV (D-WV)*

Sen. Feingold, Russell D. (D-WI)*
Sen. Vitter, David (R-LA)*

S. 953, Railroad Competition and Service Improvement Act of 2007 (Cosponsors: 12)

Sen. Rockefeller, John D., IV (D-WV)*
Sen. Craig, Larry E. (R-ID)*
Sen. Johnson, Tim (D-SD)
Sen. Tester, Jon (D-MT)*

Sen. Baucus, Max (D-MT)*
Sen. Crapo, Mike (R-ID)*
Sen. Klobuchar, Amy (D-MN)*
Sen. Thune, John R. (R-SD)

Sen. Cantwell, Maria (D-WA)*
Sen. Dorgan, Byron L. (D-ND)*
Sen. Landrieu, Mary L. (D-LA)
Sen. Vitter, David (R-LA)*

H.R. 1650, Railroad Antitrust Enforcement Act of 2007 (Cosponsors: 14)

Rep. Baldwin, Tammy [D, WI-02]*
Rep. Berry, Marion [D, ARK-01]
Rep. Grijalva, Raul [D, AZ-07]
Rep. Renzi, Rick [R, AZ-01]
Rep. Walz, Timothy J. [D, MN-01]*

Rep. Alexander, Rodney [R, LA-05]*
Rep. Boren, Dan [D, OK-02]
Rep. Kagen, Steve [D, WI-08]
Rep. Ross, Mike [D, AR-04]
Rep. Wamp, Zach [R, TN-03]

Rep. Baker, Richard H. [R, LA-06]*
Rep. Gillmor, Paul [R, OH-05]
Rep. Pomeroy, Earl [D, ND-At Large]*
Rep. Snyder, Vic [D, AR-02]

H.R. 2125, Railroad Competition and Service Improvement Act of 2007 (Cosponsors: 44)

Rep. Oberstar, James [D, MN-08]*
Rep. Baker, Richard H. [R, LA-06]*
Rep. Boren, Dan [D, OK-02]
Rep. Franks, Trent [R, AZ-02]*
Rep. Herseth Sandlin, Stephanie-[D, SD-At Large]*
Rep. Hirono, Mazie K. [D, HI-02]*
Rep. Jefferson, William J. [D, LA-02]
Rep. Kind, Ron J. [D, WI-03]*
Rep. Melancon, Charlie [D, LA-03]
Rep. Musgrave, Marilyn [R, CO-04]
Rep. Pomeroy, Earl [ND-At Large]*
Rep. Renzi, Rick [R, AZ-01]

Rep. Alexander, Rodney [R, LA-05]*
Rep. Baldwin, Tammy [D, WI-02]
Rep. Boustany, Charles W. [R, LA-07]*
Rep. Grijalva, Raul M. [D, AZ-07]
Rep. Holden, Tim [D, PA-17]
Rep. Jindal, Bobby [R, LA-01]
Rep. McCollum, Betty [D, MN-04]
Rep. Miller, Brad [NC-13]
Rep. Obey, David R. [D, WI-07]
Rep. Ramstad, Jim [R, MN-03]
Rep. Ross, Mike [D, AR-04]

Rep. Andrews, Robert E. [NJ-1]
Rep. Berry, Marion [D, AR-01]*
Rep. Cubin, Barbara [R, WY-At Large]
Rep. Hare, Phil [D, IL-17]
Rep. Hinojosa, Ruben E. [D, TX-15]
Rep. Holt, Rush D. [NJ-12]
Rep. Kagen, Steve [D, WI-08]
Rep. McNulty, Michael R. [D, NY-21]
Rep. Mollohan, Alan B. [WV-1]
Rep. Peterson, Collin [D, MN-07]
Rep. Rehberg, Dennis [R, MT-At Large]
Rep. Simpson, Mike [R, ID-02]*

Rep. Sires, Albio [D, NJ-13]	Rep. Snyder, Vic [D, AR-02]	Rep. Space, Zack [D, OH-18]
Rep. Edolphus Towns [D, NY-10]	Rep. Udall, Mark [D, CO-02]	Rep. Walz, Timothy J. [D, MN-01]*
Rep. Wamp, Zach [R, TN-03]	Rep. Paul, Ron [TX-14]	Rep. Inglis, Bob [SC-4]

S. 1125, Railroad Investment Tax Credit Legislation (Cosponsors: 14)

Sen. Lott, Trent (R-MS)*	Sen. Cochran, Thad (R-MS)*	Sen. Coleman, Norm [MN]
Sen. Conrad, Kent (D-ND)*	Sen. Crapo, Mike (R-ID)*	Sen. Graham, Lindsey O. (R-SC)*
Sen. Hagel, Chuck (R-NE)*	Sen. Isakson, Johnny (R-GA)*	Sen. Landrieu, Mary L. (D-LA)*
Sen. Nelson, Bill (D-FL)	Sen. Nelson, E. Benjamin (D-NE)*	Sen. Salazar, Ken (D-CO)
Sen. Smith, Gordon H. (R-OR)*	Sen. Stevens, Ted (R-AK)*	

H.R. 2116, Railroad Investment Tax Credit Legislation (Cosponsors: 15)

Rep. Meek, Kendrick B. [D, FL-17]*	
Rep Brady, Kevin [TX-8]	Rep Cantor, Eric [VA-7]
Rep Carnahan, Russ [MO-3]	Rep Crenshaw, Ander [FL-4]
Rep Kanjorski, Paul E. [PA-11]	Rep LaTourette, Steven C. [OH-14]
Rep Lewis, Ron [KY-2]	Rep Nunes, Devin [CA-21]
Rep Ramstad, Jim [MN-3]	Rep Regula, Ralph [OH-16]
Rep Schakowsky, Janice D. [IL-9]	Rep Shuster, Bill [PA-9]
Rep Space, Zachary T. [OH-18] -	Rep Tiberi, Patrick J. [OH-12]

- Original Cosponsors

Cong. Baker Obtains Rail Pricing Amendment to H.R.2701

On June 21, 2007, the House Transportation and Infrastructure Committee reported **H.R.2701, the Transportation Energy Security and Climate Change Mitigation Act of 2007**. The purpose of the legislation is to conserve the amount of fossil fuels that are used in our transportation sector, both for energy security and climate change purposes.

Section 101 of the Act establishes in the United States Department of Transportation a Center for Climate Change and Environment. The Center is to perform a study to identify low cost means of achieving fuel savings, reducing congestion and mitigating climate change.

During committee consideration of this legislation today, *Congressman Richard Baker (R-LA) offered, and Chairman Oberstar accepted, an amendment to H.R.2701 that would direct the Center to include in the study railroad pricing policies that may force freight off the railroads and onto trucks.* We know that these situations are occurring; this study should draw attention to these problems. A copy of the amendment and an explanation of the amendment are attached.

In addition to this amendment, we, the rail shipper community has achieved so far in this first six months of the 110th Congress several other amendments:

1. *An amendment by Congressman Baker to H.R. 2095, the Federal Rail Safety Improvement Act of 2007, requiring the railroads each February 15th to file with both the STB and the Federal Railway Administration a report, by state, of the infrastructure investments made and maintenance performed in the previous calendar year and the investments intended to be made and maintenance intended to be performed in the balance of the current calendar year.*
2. *Two amendments by Congressman Dorgan were included in the Senate energy bill recently reported by the Senate Energy and Natural Resources Committee. These amendments address biofuels transportation issues, including (1) a requirement that the President specify actions to be taken if he waives an annual biofuels requirement due to the inability of the railroads to deliver the biofuels and (2) a 12 month study by the Department of Energy, in consultation with the Department of Commerce, about the ability of the rail industry to deliver sufficient biofuels and whether there is adequate legal authority to ensure that the deliveries will be made in a competitive environment and at reasonable rates. A slight modification of the study amendment is being offered to H.R.6, the energy bill that is pending in the Senate, by Senators Inouye (D-HI), Chairman of the Senate Commerce, Science and Transportation Committee, and Senator Dorgan.*
3. *Congresswoman Tammy Baldwin (D-WI) has succeeded in having included in the House biofuels legislation that is being voted on in committee last Friday, a rail transportation study similar to the Dorgan provision in the Senate.*

Congressional leaders are working hard and creatively to educate their colleagues on the problems in the rail industry and on bringing relief from those problems to rail customers. It is up to the rail customers (shippers) to continue to educate your Congressional representatives about the railroad issues.

KEEP UP THE GOOD WORK – THE RAIL SHIPPERS TOGETHER WITH RAIL LABOR ARE WELL ON THE WAY TO WINNING.